



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
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OFFICE OF THE CHIEF COUNSEL

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The Honorable Tim Johnson  
United States Senator  
5015 S. Bur Oak Place  
Sioux Falls, SD 57108

Attention:

Dear Senator Johnson:

This letter responds to your inquiry dated January 28, 2010, on behalf of your constituent, . asked whether she and her husband would qualify for the homebuyer tax credit for long-term homeowners.

Section 36(c)(6) of the Internal Revenue Code provides a refundable credit for certain individuals who bought a new principal residence and who owned a principal residence in the recent past. These long-term homeowners generally qualify for the credit if, on the purchase date of the new home, the individual (and, if married, the individual's spouse also) has owned and used the same principal residence for a consecutive five-year period in the eight years preceding purchase of the new home.

letter states that she and her husband plan to enter into a contract for the purchase of a new home prior to May 1, 2010, and close on that purchase prior to July 1, 2010 (the deadlines for the long-term homeowner credit). Her letter also states that her husband has owned and used their current home since August 2004, but she moved into that home and has occupied it since September 2005. will not have used the current home for five consecutive years until September 2010, which is after the statutory deadline for taking the credit. Accordingly, because she cannot meet the five year requirement before the expiration of the credit, she and her husband would not qualify for the homebuyer tax credit for long-term homeowners.

I am sorry my response is not more favorable. If you have any questions, please contact \_\_\_\_\_ or \_\_\_\_\_ at \_\_\_\_\_.

Sincerely,

George J. Blaine  
Associate Chief Counsel  
(Income Tax & Accounting)